

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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IN RE : Master Dkt. No. 3:13md2478 (AWT)
CONVERGENT OUTSOURCING, INC. : MDL No. 2478
TELEPHONE CONSUMER :
PROTECTION ACT LITIGATION : Pretrial Order No. 6
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THIS DOCUMENT RELATES TO :
ALL ACTIONS :
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REVISED SCHEDULING ORDER

The court held a status conference on October 22, 2014 at which the Joint Status Report (Doc. No. [80]) filed on October 21, 2014 was discussed. Until further order of the court, the following schedule and procedures shall be in effect:

- I. **Discovery Schedule as to the Putative Class Actions**
 - A. Fact discovery, including fact depositions, with respect to class certification shall be completed (not propounded) by **April 30, 2015**;
 - B. With respect to class certification, the plaintiffs and the defendants shall designate all experts and produce expert reports from retained experts pursuant to Rule 26(a)(2) by **February 21, 2015**;
 - C. With respect to class certification, expert rebuttal reports shall be produced by **March 21, 2015**;

- D. With respect to class certification, expert depositions shall be completed by **April 30, 2015**;
- E. The motion for class certification and any motion to deny class certification shall be filed by **May 23, 2015**;
- F. The opposition to the motion for class certification and the opposition to any motion to deny class certification shall be filed by **June 23, 2015**;
- G. The reply memorandum in support of the motion for class certification and the reply memorandum in support of any motion to deny class certification shall be filed by **July 23, 2015**.

II. Discovery Schedule as to the Individual Actions

- A. Fact discovery, including depositions, shall be completed (not propounded) by **April 30, 2015**.
- B. Subject to Part IV below, dispositive motions shall be filed by **August 27, 2015**.

III. Discovery Schedule for Newly Transferred Actions

- A. With respect to actions that are subsequently transferred to this MDL, within 30 days of the transfer of an action to this MDL, each defendant in the newly transferred action shall produce to the plaintiff(s) in the newly transferred action an electronic copy of the following:

1. The account and call records relating to the plaintiffs, if any;
 2. Copies of the documents produced to date, excluding documents relating to individual plaintiffs or class data;
 3. That defendant's Rule 26(a) disclosures; and
 4. The information needed to order from court reporters copies of the relevant deposition transcripts.
- B. With respect to actions that are subsequently transferred to this MDL, newly-added parties shall have **30 days** from the date of their receipt of the materials referred to in subparagraph A above to propound discovery on the defendant(s), subject to the limitation that all discovery shall be completed (not propounded) by **April 15, 2015**.

IV. Proceedings After Ruling re Class Certification

Once a ruling is issued on the motion for class certification and any motion to deny class certification, the parties shall contact the court immediately to schedule a status conference for the purpose of putting in place a schedule for the subsequent phases of this matter.

It is so ordered.

V. **Protocol for Follow-up Depositions**

In order to assist the court in developing a protocol for additional depositions of Convergent personnel who have previously been deposed, in the event the parties are unable to agree on a protocol, Convergent shall submit by November 5, 2014 its position with respect to any areas that it believes have been sufficiently covered during depositions. The plaintiffs (excluding pro se plaintiffs) shall submit a joint or combined response by November 19, 2014.

VI. **Coordination of Depositions**

- A. Subject to Part V, each deponent shall be deposed only once.
- B. Any plaintiff wishing to take a deposition shall immediately notify liaison counsel for plaintiffs in this MDL, Keith Keogh of Keogh Law Ltd., and said liaison counsel shall promptly give appropriate notice to plaintiffs' counsel and pro se plaintiffs in this MDL. All plaintiffs' counsel and pro se plaintiffs who wish to participate in the deposition shall immediately confer regarding the procedure for taking the deposition. In the event they are unable to agree on the procedure, they shall notify the court immediately by contacting chambers.

C. Any defendant wishing to take a deposition shall immediately notify liaison counsel for defendants in this MDL, Craig J. Mariam, Thomas C. Blatchley and Allison Fernandez of Gordon & Rees, LLP, and said liaison counsel shall promptly give appropriate notice to defendants' counsel in this MDL. All defendants' counsel who wish to participate in the deposition shall immediately confer regarding the procedure for taking the deposition. In the event they are unable to agree on the procedure, they shall notify the court immediately by contacting chambers.

VII. Initial Conferences with the Court re: Discovery Disputes

In the event of a discovery dispute, the parties shall (in lieu of one side filing a motion to compel, motion for a protective order, motion to quash or other motion) submit to the court a joint report setting forth each party's position, and contact chambers to schedule a telephonic conference concerning the same. Each side's summary within the joint status report shall not exceed three pages double-spaced. If the court does not rule during the telephonic conference, it will inform the parties whether formal motion practice is appropriate.

VIII. Future Telephonic Status Conferences

The next two status conferences will be telephonic status conferences held on:

- A. December 18, 2014 at 4:30pm; and
- B. February 26, 2015 at 4:30pm.

It is so ordered.

Dated this 3rd day of November, 2014, at Hartford,
Connecticut.

/s/
Alvin W. Thompson
United States District Judge